

APPROVED MINUTES

KITTERY TOWN COUNCIL

October 15, 2014

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Frank Dennett, Chuck Denault, Jeffrey Pelletier, Judy Spiller and Jeffrey Brake.

5. Agenda Amendment and Adoption –

Councilor Dennett stated that he would like to move Item 14 between Item 13o and 13p. The agenda was accepted as amended.

6. Town Manager's Report –

Town Manager Puff stated that they had awarded the contract for replacing the town hall roof to WH Demmons in the amount of \$153,650. She continued that they were expecting construction to start the following week and was expected to be completed within 45 days.

Town Manager Puff indicated that the Planning and Code Departments were seriously under staffed and would be closed to walk-in traffic on Tuesdays until further notice. She continued that they would still be receiving phone calls and scheduling appointments. Town Manager Puff noted they were looking to fill the CEO position as soon as possible.

Town Manager Puff noted that she had met with the Eliot town manager and their engineering consultant relative to the sewer infrastructure expansion project. She continued they would be holding an annual meeting in April to discuss the project. Town Manager Puff stated they had received a request from Eliot to change the plan for pump station #7, and they were working to assemble a cost estimate.

Town Manager Puff stated they were working to put together the RFP for the Wood Island Brownfields grants and it was almost ready to release.

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7. Acceptance of Previous Minutes –

The minutes of 9/18 were accepted as presented. The minutes of 9/22 were accepted as amended.

8. Interviews for the Board of Appeals and Planning Board –

Planning Board – David Lincoln (to fill the unexpired term of Susan Tuveson until 11/30/15)

Chairperson Thomson stated that Mr. Lincoln had extensive experience on the Planning Board in his former town and had also served on the EDC, Foreside Committee in Kittery and was currently on the Parks Commission.

Councilor Spiller indicated that Mr. Lincoln had made a comment previously to her that had made her concerned that he did not understand the Code. Mr. Lincoln responded that he now understood the code and was looking forward to serving.

COUNCILOR DENAULT MOVED TO APPOINT DAVID LINCOLN TO THE PLANNING BOARD FOR A TERM ENDING 11/30/15, SECONDED BY COUNCILOR WHITE.

Councilor Spiller indicated that she would be voting against this appointment because of Mr. Lincoln's previous comments.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR SPILLER OPPOSED. MOTION PASSES 6/1.

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials –

The Kittery Town Council moves to accept the gift of improvements to Memorial Circle, the Memorial Park and funds for ongoing maintenance as a dedicated Permanent Fund in the amount of \$5000, as presented.

Gary Beers came to the podium and gave a report on the progress at Memorial Circle and discussed the permanent fund they hoped to create to fund maintenance at the circle.

COUNCILOR SPILLER MOVED TO ACCEPT THE GIFT OF IMPROVEMENTS TO MEMORIAL CIRCLE, THE MEMORIAL PARK AND FUNDS FOR ONGOING MAINTENANCE AS A DEDICATED PERMANENT FUND IN THE AMOUNT OF \$5000, AS PRESENTED, SECONDED BY COUNCILOR DENAULT.

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A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

10. PUBLIC HEARINGS -

a. (100114-1) The Kittery Town Council moves to hold a public hearing on and approve an application from Belle's on Wheels, LLC, 20 Portsmouth Ave., No. 163, Stratham, NH for a Victualer's License for Belle's on Wheels, LLC, Post Office Square, 10 Shapleigh Road, Kittery.

Chairperson Thomson indicated that this public hearing was advertised in the local printed media on October 6th. Chairperson Thomson then opened the public hearing, and no response being heard, closed the public hearing.

COUNCILOR SPILLER MOVED TO APPROVE AN APPLICATION FROM BELLE'S ON WHEELS, LLC, 20 PORTSMOUTH AVE., NO 163, STRATHAM, NH FOR A VICTUALER'S LICENSE FOR BELLE'S ON WHEELS, LLC, POST OFFICE SQUARE, 10 SHAPLEIGH ROAD, KITTERY, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

b. (100114-2) The Kittery Town Council will hold a public hearing, pursuant to Section 6.09.1 of the Town Charter, for a supplemental appropriation in the amount of \$12,500 for the purpose of matching private donations to fund the preparation of a master plan for the town's athletic fields.

Town Manager Puff explained that this item was the first step to look at the future needs at all of the fields in town. She continued that residents had come up with half of the amount to fund the appropriation.

Chairperson Thomson then opened the public hearing.

Jeremy Paul, Assistant Director of the Kittery Rec Department, came to the podium and stated that residents had requested this item be brought forward. He encouraged Council to move forward with this item.

Mike Roberge, Assistant Activities Director at Traip Academy, came to the podium and stated that he had been involved in Kittery sports since 1993. He continued that he thought this would be a good start to creating an overall plan and was much better than trying to come up with short term solutions as they had in the past.

Tony Marino came to the podium and stated that he hoped that Council move forward with this item. Mr. Marino then went over the history and needs for the future of Kittery sports and stated that he thought this was a fiscally and environmentally responsible way for the town

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to move forward. He continued this might give the town an opportunity to receive some grants in the future and that time was of the essence so that this could be included in the 2015 CIP budget.

Chairperson Thomson then closed the public hearing.

COUNCILOR PELLETIER MOVED TO APPROVE A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$12,500 FOR THE PURPOSE OF MATCHING PRIVATE DONATIONS TO FUND THE PREPARATION OF A MASTER PLAN FOR THE TOWN'S ATHLETIC FIELDS, SECONDED BY COUNCILOR DENAULT.

Councilor Dennett went over his concerns and indicated that he did not think the town could appropriate the money in this way.

COUNCILOR DENNETT MOVED TO POSTPONE ACTION ON THIS ITEM UNTIL THE NEXT REGULAR MEETING, SECONDED BY CHAIRPERSON THOMSON.

Councilor Pelletier indicated that he thought they should move forward that evening. Chairperson Thomson stated he thought it would be cleaner to address Councilor Dennett's concerns and get some additional clarification and act on the item at the next meeting. Town Manager Puff indicated that she would be happy to meet with the Finance Director and get a definitive answer.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR PELLETIER OPPOSED. MOTION PASSES 6/1.

11. Discussion

- a. Discussion by members of the public – None
- b. Response to public comment directed at a particular Councilor
- c. Chairperson's response to public comments

12. UNFINISHED BUSINESS –

a. (090314-1) The Kittery Town Council moves to approve, and hereby ordains, amendments to Title 2, Administration and Personnel, Chapter 2.3 Personnel Systems Generally, of the Kittery Town Code.

Chairperson Thomson stated that there was a motion on the floor.

Councilor Dennett went over his concerns with the proposal.

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COUNCILOR DENNETT MOVED TO AMEND THE MOTION TO AMEND LINES 55 & 56 TO REMOVE TO COMMAS BEFORE AND AFTER THE CLAUSE “IF THERE IS ONE” AND TO REPLACE THE COMMAS WITH PARENTHESIS, SECONDED BY CHAIRPERSON THOMSON.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

A VOICE VOTE WAS TAKEN ON THE MAIN MOTION WITH ALL IN FAVOR. MOTION PASSES 7/0.

13. NEW BUSINESS

a. Donations/gifts received for Council disposition - none

b. (100114-3) The Kittery Town Council moves to approve the disbursement warrants.

COUNCILOR PELLETIER MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

c. (100114-4) The Kittery Town Council moves to approve a request from the Class of 2015 Project Graduation Committee to set up a voluntary toll booth at the Resource Recovery Facility on Saturday, October 18, 2014 from 9:00 A.M. until 3 P.M.

COUNCILOR SPILLER MOVED TO APPROVE A REQUEST FROM THE CLASS OF 2015 PROJECT GRADUATION COMMITTEE TO SET UP A VOLUNTARY TOLL BOOTH AT THE RESOURCE RECOVERY FACILITY ON SATURDAY, OCTOBER 18, 2014 FROM 9:00 AM UNTIL 3 PM, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

d. (100114-5) The Kittery Town Council moves to authorize the release of funds in the amount of \$800 from unassigned funds and to appropriate said funds to be paid out of Account #101740-68427 Expense Self-Insurance Claims for the replacement costs of a portable restroom damaged at the Kittery Community Center that did not meet the insurance deductible.

COUNCILOR SPILLER MOVED TO AUTHORIZE THE RELEASE OF FUNDS IN THE AMOUNT OF \$800 FROM UNASSIGNED FUNDS AND TO APPROPRIATE SAID FUNDS TO BE PAID OUT OF ACCOUNT #101740-68427 EXPENSE SELF-

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INSURANCE CLAIMS FOR THE REPLACEMENT COSTS OF A PORTABLE RESTROOM DAMAGED AT THE KITTERY COMMUNITY CENTER THAT DID NOT MEET THE INSURANCE DEDUCTIBLE, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

e. (100114-6) The Kittery Town Council moves to accept a check in the amount of \$32,001 from Dean Jordan to be deposited in Account #4015-43600, Highway Equipment Reserve, from the sale of the 2007 Case 580 Loader/backhoe.

COUNCILOR DENNETT MOVED TO ACCEPT A CHECK IN THE AMOUNT OF \$32,001 FROM DEAN JORDAN TO BE DEPOSITED IN ACCOUNT #4015-43600, HIGHWAY EQUIPMENT RESERVE, FROM THE SALE OF THE 2007 CASE 580 LOADER/BACKHOE, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

f. (100114-7) The Kittery Town Council moves to accept a check in the amount of \$8,025 from Ronald B. Lawrence to be deposited in Account #4018-43600, Kittery Port Authority Boat Reserve, from the sale of the 2005 Eastern Harbormaster's boat.

COUNCILOR DENNETT MOVED TO ACCEPT A CHECK IN THE AMOUNT OF \$8,025 FROM RONALD B. LAWRENCE TO BE DEPOSITED IN ACCOUNT #4018-43600, KITTERY PORT AUTHORITY BOAT RESERVE, FROM THE SALE OF THE 2005 EASTERN HARBORMASTER'S BOAT, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

g. (100114-8) The Kittery Town Council moves to approve a renewal application from Divine Cuisines, LLC, 20 Walker Street, Kittery for a Malt, Spirituous and Vinous Liquor License for Tulsi, 20 Walker Street.

COUNCILOR PELLETIER MOVED TO APPROVE A RENEWAL APPLICATION FROM DIVINE CUISINES, LLC, 20 WALKER STREET, KITTERY FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR TULSI, 20 WALKER STREET, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

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h. (100114-9) The Kittery Town Council moves to approve a renewal application from Kittery Foreside LLC, 60 Wallingford Square for a Malt, Spirituous and Vinous Liquor License for Anneke Jans, 60 Wallingford Square.

COUNCILOR PELLETIER MOVED TO APPROVE A RENEWAL APPLICATION FROM KITTERY FORESIDE LLC, 60 WALLINGFORD SQUARE FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR ANNEKE JANS, 60 WALLINGFORD SQUARE, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

i. (100114-10) The Kittery Town Council moves to approve a renewal application from Black Birch, Inc., 2 Government Street, for a Malt, Spirituous and Vinous Liquor License for The Black Birch, 2 Government Street.

COUNCILOR WHITE MOVED TO APPROVE A RENEWAL APPLICATION FROM BLACK BIRCH, INC., 2 GOVERNMENT STREET, FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR THE BLACK BIRCH, 2 GOVERNMENT STREET, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

j. (100114-11) The Kittery Town Council moves to approve a request from John Roukes, Scoutmaster, Boy Scout Troop #307, for permission to hold their annual Camp Out at Fort Foster from Friday, October 31st through Sunday, November 2nd.

COUNCILOR SPILLER MOVED TO APPROVE A REQUEST FROM JOHN ROUKES, SCOUTMASTER, BOY SCOUT TROOP #307, FOR PERMISSION TO HOLD THEIR ANNUAL CAMP OUT AT FORT FOSTER FROM FRIDAY, OCTOBER 31ST THROUGH SUNDAY, NOVEMBER 2ND, SECONDED BY COUNCILOR PELLETIER, WITH ALL IN FAVOR. MOTION PASSES 7/0.

k. (100114-12) The Kittery Town Council moves to appoint Vern J. Gardner, Jr. to the Comprehensive Plan Update Committee as a Citizen Representative until _____.

COUNCILOR SPILLER MOVED TO APPOINT VERN J. GARDNER, JR. TO THE COMPREHENSIVE PLAN UPDATE COMMITTEE AS A CITIZEN REPRESENTATIVE UNTIL THE WORK OF THAT COMMITTEE IS COMPLETED, SECONDED BY COUNCILOR BRAKE.

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Councilor Denault and Councilor Dennett indicated they would not be voting in favor as Mr. Gardner had resigned from the Committee in June.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT AND COUNCILOR DENAULT OPPOSED. MOTION PASSES 5/2.

l. (100114-13) The Kittery Town Council moves to establish the Holiday Parade as a town event, sponsored by the Kiwanis Club of the Seacoast to be held on Saturday, December 6th at 3:00 P.M. and appoint Glen Philbrook, Kiwanis Club member, as the official Parade Committee.

COUNCILOR SPILLER MOVED TO ESTABLISH THE HOLIDAY PARADE AS A TOWN EVENT, SPONSORED BY THE KIWANIS CLUB OF THE SEACOAST TO BE HELD ON SATURDAY, DECEMBER 6TH AT 3:00 P.M. AND APPOINT GLEN PHILBROOK, KIWANIS CLUB MEMBER, AS THE OFFICIAL PARADE COMMITTEE, SECONDED BY COUNCILOR PELLETIER, WITH ALL IN FAVOR. MOTION PASSES 7/0.

m. (100114-14) The Kittery Town Council moves to accept the resignation from Barry Bush from the Port Authority, effective October 8th, 2014.

COUNCILOR DENNETT MOVED TO ACCEPT THE RESIGNATION FROM BARRY BUSH FROM THE PORT AUTHORITY, EFFECTIVE OCTOBER 8TH, 2014, SECONDED BY COUNCILOR DENAULT.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

n. (100114-15) The Kittery Town Council moves to accept the resignation from Susan Tuveson from the Planning Board, effective September 25th, 2014.

COUNCILOR SPILLER MOVED TO ACCEPT THE RESIGNATION FROM SUSAN TUVESON FROM THE PLANNING BOARD, EFFECTIVE SEPTEMBER 25TH, 2014, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENAULT OPPOSED. MOTION PASSES 6/1.

o. (100114-16) The Kittery Town Council moves to accept the resignation from Robert Melanson from the Planning Board, effective October 2, 2014.

COUNCILOR DENNETT MOVED TO ACCEPT THE RESIGNATION FROM ROBERT MELANSON FROM THE PLANNING BOARD, EFFECTIVE OCTOBER 2, 2014, SECONDED BY COUNCILOR BRAKE.

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A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES

7/0.

14. COUNCILOR ISSUE OR COMMENT

Councilor Brake stated that he had received concerns from residents relative to making the beach at Fort Foster more handicapped accessible. Chairperson Thomson responded that this issue had been explored and a solution would be forthcoming.

Councilor Denault noted that he had received an email from a concerned citizen relative to a “No Hunting” sign at the town forest. Town Manager Puff stated she would look into the issue.

Councilor Dennett stated that Councilor Brake had an issues with a recent interview for as potential KPA member. Councilor Brake explained that he had to do an interview with Mr. Lemont but the Chair of the KPA had resigned. He continued that he was not sure what to do, so he conducted the interview with the treasurer of the KPA. Councilor Dennett noted that they were going to run into the same issue with the three applicants for the Personnel Board as there was no Chair or designated person to do the interview. Chairperson Thomson stated that Council could interview the candidates due to the uniqueness of the situation. Councilor Dennett indicated that he would be bringing forth an amendment to the Code to allow for a provision and it could be put on the next agenda.

Chairperson Thomson stated that no action would be taken on Items p, q, and r that evening.

p. (100114-17) The Kittery Town Council moves to appoint a representative to interview Robert D. Harris, Sr., for his appointment to the Personnel Board until _____, 2017.

No action was taken.

q. (100114-18) The Kittery Town Council moves to appoint a representative to interview John J. Delio for his appointment to the Personnel Board until _____, 2016.

No action was taken.

r. (100114-19) The Kittery Town Council moves appoint a representative to interview Paul E. Lucy, for his appointment to the Personnel Board until _____, 2016.

No action was taken.

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15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson –

Chairperson Thomson stated that the following Monday there was going to be a meeting with the Library Board and the KCC Board of Trustees relative to the future of the library.

Chairperson Thomson noted that a Special Meeting was scheduled for November 3rd for an Executive Session to discuss the Town Manager's performance. He continued that meeting would be followed by a workshop with the Parks Commission to receive an update on their management plan.

b. Committee Reports –

Chairperson Thomson noted there was a Foreside Forum on September 29th and the 4 working groups were going to provide the manager with an outline of their work and recommendations and that they would be making a presentation in the future.

Councilor Denault stated that the EDC would be coming forward with a report in the near future.

16. EXECUTIVE SESSION – None

17. ADJOURNMENT

COUNCILOR SPILLER MOVED TO ADJOURN, SECONDED BY COUNCILOR DENAULT WITH ALL IN FAVOR. MEETING ADJOURNED AT 9:03 P.M.